

DECLARATION OF EMERGENCY

Department of Treasury
Board of Trustees of the State Employees Group Benefits Program

Plan Document: Private Duty Nursing;
Organ Transplants; Well Child Care

(Editor's Note: The following emergency rule was inadvertently omitted from the July, 1996 Louisiana Register. Please note the effective date of June 13, 1996.)

Pursuant to the authority granted by R.S. 42:871(C) and 874(A)(2), vesting the board of trustees with the sole responsibility for administration of the State Employees Group Benefits Program and granting the power to adopt and promulgate rules with respect thereto, the board of trustees hereby invokes the emergency rule provisions of R.S. 49:953(B) to adopt amendments to the Plan Document of Benefits.

These amendments shall become effective on June 13, 1996 and shall remain effective for a maximum of 120 days or until promulgation of the final rule, whichever occurs first.

The board finds that it is necessary to amend the Plan Document to provide for utilization management of benefits for private duty nursing services in order to assure that such services are available and provided when medically required, to clarify benefit limitations for transportation expenses associated with organ transplant procedures in light of recent litigation, and to extend well child care benefits until attainment of age 16 in order to promote the health and welfare of covered dependent children of employees. Failure to adopt these amendments on an emergency basis will adversely affect the availability of services necessary to maintain the health and welfare of the covered employees and their dependents which are crucial to the delivery of vital services to the citizens of the state. Accordingly, the Plan Document of Benefits for the State Employees Group Benefits Program is hereby amended in the following particulars:

Amendment Number 1 -- Delete Article 3, Section I, Subsection F, Paragraph 14 in its entirety and leave blank.

Amendment Number 2 -- Amend Article 3, Section IV, Subsection J, Paragraph 4, to read as follows:

"J. Services and/or supplies not listed herein as eligible expenses may be considered covered services and/or supplies under this Section, provided that the services and/or supplies are integral to the alternative care plan and have been recommended by or to and agreed upon by PAC, the Attending Physician, the Program and the Covered Person. Such services and supplies may include, but shall not be limited to:

* * *

"4. Private-duty nursing care;

* * *"

Amendment Number 3 -- Amend Article 3, Section VIII to add Subsection NN, to read as follows:

"NN. Services of a private-duty registered nurse (R.N.) or of a private-duty licensed practical nurse (L.P.N.), except as approved in accordance with Article 3, Section IV. Routine nursing services, i.e. "floor nursing" services, provided by nurses employed by or under contract with a Hospital shall be considered as part of Room and Board charges and paid accordingly. Private-duty nursing services being provided to a Covered Person on July 1, 1985, in a non-Hospital treatment setting shall constitute an eligible expense until no longer certified as Medically Necessary by the attending physician."

Amendment Number 4 -- Amend Article 3, Section I, Subsection F, Paragraph 25 and Subparagraph c, and add new Subparagraphs d and e, to read as follows:

"25. The Program will cover eligible expenses associated with an organ transplant procedure when the transplant recipient is a Covered Person, including expenses for patient screening, organ procurement, transportation of the organ, transportation of the patient and/or donor, surgery for the patient and donor and immunosuppressant drugs. The following conditions must be met in order for this coverage to apply:

* * *

"c. The recipient must be admitted to and the transplant surgery performed at a medical center which has an approved transplant program as determined by an appropriate governmental agency.

"d. Coverage for expenses associated with an organ transplant procedure will be subject to the same deductible, co-insurance, exclusions and other provisions which apply to other expenses that the Program covers. Reimbursement of transportation charges associated with an organ transplant procedure will

be limited to the maximum reimbursement allowed for professional ambulance services, in accordance with Article 3, Section I(F)(18). In no case will the Plan cover expenses for the transportation of surgeons or family members of either the patient or donor;

"e. All benefits paid for eligible expenses associated with an organ transplant procedure, including expenses of the donor, will be applied against the lifetime maximum benefit of the transplant recipient;"

Amendment Number 5 -- Amend the Schedule of Benefits relative to well child care as follows:

"Well Child Care (from discharge as a newborn until attainment of age 16)

"Percentage Payable (Deductible waived). . . . 100 percent

"Maximum Benefit

per calendar year per child \$35 limited to one office visit per year"

Amendment Number 6 -- Amend Article 1, Section I, Subsection KK to read as follows:

"KK. The term 'Well-Child Care' as used herein shall mean routine physical examinations, active immunizations, check-ups and office visits to a Physician, except for the Treatment and/or diagnosis of a specific illness, from the time a newborn is discharged from the Hospital following birth until attainment of age 16."

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